

CONSULTING PROJECT

PRE-SENTENCING MEMORANDUM

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

THE UNITED STATES OF AMERICA

-against-

MICHAEL KUILAN
Case #: 1:24-cr-00130-BMC

HONORABLE JUDGE BRIAN M. COGAN

Respectfully submitted,

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Exhibits:

1. Character Reference Letters
 - a. Jasmine Kuilan – wife
 - b. Aryanna Figueroa – daughter
 - c. Tristan Kuilan - son

INTRODUCTION

This pre-sentencing memorandum has been prepared by the Consulting Project, a private mitigation and forensic social work firm that assists defense attorneys with evaluations of individual clients and cases with a view toward presenting alternative pleas and sentencing possibilities to the Court and the United States Attorney's Office. This memorandum is submitted by Reynaldo Cusicanqui and Mandi Budah, MA, LCSW on behalf of Michael Kuilan at the request of his attorney, Howard Greenberg.

Mr. Cusicanqui has worked as a Forensic Mitigation Specialist and Sentencing Advocate since 1995. Due to his lengthy experience, he has knowledge of psychosocial contributors and extensive knowledge of criminal behavior derived from evaluating thousands of defendants in the state and federal court systems. He has also gained most of his forensic experience in mitigation from being appointed as a Senior Mitigation Specialist on numerous death penalty eligible matters in the United States District Court for the Southern and Eastern Districts of New York.

I, Mandi Budah, have worked as a Licensed Clinical Social Worker since 2012 and additionally possess a master's degree in forensic psychology, obtained in 2010. A degree in forensic psychology specializes in the application of clinical skills including assessment, treatment, and evaluation to forensic settings. Following psychological assessment of an offender, I am able to apply tools, research and ideas from psychology to legal situations and to help answer legal questions. With a forensic psychology background, I am able to provide psychological expertise and research to help legal professionals and proceedings better understand human behavior and the effects of trauma or other life events. With my knowledge of psychosocial contributors and comprehensive knowledge of criminal behavior obtained from working with the Consulting Project, I conduct evaluations, prepare Pre-pleading and Pre-sentence reports for the court, and recommend necessary sentencing alternatives on criminal matters. It is our specialty to

provide the greatest amount of psychosocial background to the decision-making parties. This ultimately allows us to enhance the appropriate classification of a defendant that is a risk to the community or a defendant that is deserving of a just and appropriate disposition.

The information in this memorandum is based on multiple in-depth in person and video interviews with Mr. Kuilan, as well as an additional collateral interview conducted with his wife, Jasmine Kuilan. Collateral attempts were made but unsuccessful with his mother, Elizabeth Pabellon. Character letters were additionally collected, reviewed, and attached herein.

During his clinical assessment, Mr. Kuilan presented with a developmental history comprised of a series of profound adversities that have likely contributed to the development of a substance use disorder (SUD) and the subsequent trajectory toward spousal separation, marital discord, and criminal involvement. The combination of growing up without adequate parental support, guidance, or supervision, the traumatic loss of his father during adolescence, and the environmental stressors of living in a drug- and crime-ridden neighborhood has created a complex, multifaceted set of circumstances that have substantially influenced his psychological, emotional, and behavioral development. He has displayed symptoms consistent with a depressive disorder and has relied on substances as a coping tool and when faced with situational stressors, has been unable to maintain abstinence, leading to relapses, and ultimately a lapse in decision-making, problem-solving, and impulsiveness, resulting in the arresting incident. The negative implications of a severe substance use disorder, and not a criminally driven personality, resulted in his involvement in the instance offense for which he is awaiting sentencing.

This memorandum will elucidate this determination and highlight in detail mitigating factors we believe deserve consideration for a sentence that is no greater than necessary to punish

and promote respect for the law and one that affords Mr. Kuilan the opportunity to engage in all available programming.

The main biopsychosocial mitigating factors we have identified are as follows:

- Mr. Kuilan was raised in a neighborhood riddled with crime and substance use, which has increased his risk for development of his own substance use disorder and criminal conduct.
- Mr. Kuilan lacked the positive influence, support, guidance, and modeling from his parents needed for successful social and emotional development.
- Mr. Kuilan lost his father when he was only 16 years of age, a critical developmental stage for males, which has likely contributed to his severe substance use disorder and symptom presentation consistent with a depressive disorder.
- There is a long history of poly substance use and relapse, and limited treatment attempts. Mr. Kuilan's severity and length of use has negatively impacted brain functions associated with decision-making, problem-solving, global reasoning, and impulsivity.
- Mr. Kuilan's experience with marital discord and separation has challenged his ability to maintain abstinence and experience with relapse.
- Mr. Kuilan is committed to his wife and children, who will experience a decline in their psychological stability should he be sentenced to an extended period of incarceration.

BIOPSYCHOSOCIAL HISTORY

Mr. Michael Kuilan was born without complication in Brooklyn, on May 5, 1979, to the then marital union of Elizabeth Pabellon (68) and Anibal Kuilan (deceased in 1992). He has three paternal half-siblings that he did not grow up with and has not had contact with for over 13 years, Sandra, Nixalee, and Anibal Kuilan, Jr. He has one brother, John Allen Bruce (49) who lives in Bushwick, Brooklyn, and is employed as a delivery driver for a seafood company. Mr. Kuilan married Jasmine Kuilan, in May 2024, with whom he has been in a relationship with for over 20 years. He has one stepdaughter, Aryanna Figueroa (26), and a biological son, Tristan Kuilan (18). Mr. Kuilan resides with his wife, two children, and 3-year-old granddaughter, Alita on Staten Island, New York, where he has rented his home for the past 10 years.

Mr. Kuilan reported growing up in Williamsburg, Brooklyn, New York, where his mother worked as a bookkeeper and accountant, and his father worked as a roofer. He recalled living in an apartment and sharing a room with his older brother. He described the neighborhood in which he grew up was riddled with crime and drugs, recalling he was unable to spend time in the local park as a child due to the amount of drug use and sales. His father was in and out of jail, not often present in his life and his mother often spent weekends traveling to see his father. Therefore, Mr. Kuilan was raised primarily by his older brother and grandmother, Margarita Garcia (89), who lived on the floor beneath him. Mr. Kuilan expressed he did not know what his father was incarcerated for but was incarcerated when he developed liver problems. He was incarcerated for two years before he succumbed to his medical issues, passing away when Mr. Kuilan was only 13 years of age.

Prior to his father's death, Mr. Kuilan expressed he displayed no social, emotional, or behavioral issues. He attended PS 84, the Jose de Diego elementary school, Middle School 50, *the*

Pride of the Southside, and the Harry Van Arsdale Educational Campus for high school. He completed school through the 10th grade and admitted that after his father died, he changed; he stopped attending school, he did not complete homework, he was often in trouble, he stopped learning, and he was often suspended.

After he left school on his own, he admitted to not having goals or aspirations. He expressed his brother was already in the streets and he often spent time hanging around his brother, in addition to staying home and playing video games. He began using substances at the age of 16 and was arrested for the first time at the age of 19, for possession and was sentenced to incarceration. He completed the shock program and returned home. Mr. Kuilan was again arrested at the age of 20, again for possession. He reported he completed an incarceration-based treatment program and returned home. He reportedly began working after he returned home. His aunt was a manager at Burger King and was able to help Mr. Kuilan secure employment for one year. His brother was working in maintenance for Chase Bank and helped secure employment for his brother for one year before he secured employment building display furniture for a company for an additional year. After three years of employment, Mr. Kuilan reported he stopped working for a while. He was residing with his grandmother at the time and did not have any responsibility to pay bills. He received supplemental government assistance. After a period of time not working, Mr. Kuilan began accepting "odd jobs" from Craigs List, until the outbreak of the COVID-19 pandemic, where he again stopped working. He later began working for Door Dash, where he remained for one year before leaving, due to not earning enough income. Mr. Kuilan is not presently working, as he is on house arrest, and was not working prior to the arresting incident.

Mr. Kuilan reported he moved to Staten Island when he was 23 years of age to reside with a girlfriend and her family. He later returned to Brooklyn to reside with his grandmother and later

returned back to Staten Island with his wife. He reported for many years traveling back and forth from Staten Island to Brooklyn, usually corresponding to periods of marital discord, tension, and stress, approximately 6-7 times in total. Mr. Kuilan described years of marital discord has strained his relationship with his children, expressing they began to “choose sides,” making their father “the bad guy.” Mr. Kuilan has since repaired relationships with his children and maintains strong bonds with each one.

Mr. Kuilan returned home to his wife and children following his instance offense and has worked to become more caring, expressive, and verbal about his thoughts and feelings. He has become more loving as a father and husband, and has been helpful with his wife’s candle business, packing orders. He spends more time with his granddaughter, spends more time with his family, watching movies and enjoying “family time,” and has been influential in assisting, supporting, and guiding his son to make positive choices in his life. Mrs. Kuilan was recently diagnosed with Lupus and Mr. Kuilan has been integral to her care, assisting her in the home during flare ups, helping her in the shower, helping her with groceries, and assisting around the home.

Mr. Kuilan met his wife Jasmine when he was approximately 18 years of age, at a party in Brooklyn. He reported giving her his number on three occasions before she agreed to begin talking and dating. He described the early years of their relationship as “great,” expressing he has helped raise her daughter as his own. Their son was born in 2006, and they relocated to Staten Island shortly before he was born. He reported her family purchased a three-family home and they rented one floor, a big change for Mr. Kuilan, as his history was in Brooklyn. They remained in her family’s home for three years, before moving into their own apartment on Staten Island, while Mr. Kuilan was employed with Chase Bank and then securing their present home, approximately 10 years ago.

Mr. Kuilan continues to view his grandmother as a maternal figure, acknowledging that his mother was not frequently home to care for him, support him, or guide him. His grandmother has stents in her heart and approximately 10 years ago, she developed throat cancer. She underwent surgery and now communicates via a communication board. Prior to the arresting incident, Mr. Kuilan was residing with his grandmother while he and his wife were experiencing marital discord and a period of separation. He was integral to her care, helping her around the home and in the community.

COLLATERAL INTERVIEW WITH JASMINE KUILAN

Mrs. Jasmine Kuilan is the wife of Mr. Kuilan. She reported during her collateral interview that she has known him since she was 19 years of age, and they have been together for over 20 years. She was succinct in her description and characterization of her relationship, acknowledging that over the years, the pair has separated and reconnected on several occasions. She expressed that regardless of their marital discord or tension, the pair always find their way back to one another. Mr. and Mrs. Kuilan share an 18-year-old son and Mr. Kuilan has raised Mrs. Kuilan's daughter since she was 1 year of age. She credits their strong familial foundation as the core of their relationship and what always brings them back to one another.

Mrs. Kuilan described her husband as incredibly responsible in providing for his family, and despite his present lack of employment, continues to demonstrate love, care, and support in the home. She commented on the longstanding impact his estranged relationship with his mother and the early passing of his father has had on him emotionally, and he strives to provide a better life for his children. She highlighted that all individuals make mistakes, and Mr. Kuilan is not his mistake. She described him as a family man, a man who loves his grandmother dearly, a man who

has a good heart, and who's family will be at a great loss should he be sentenced to an extended period of incarceration.

Mrs. Kuilan commented on the negative implications should Mr. Kuilan be sentenced to an extended period of incarceration. Foremost, their son is 18 years old and will most definitely display a decline in social and emotional well-being without the presence of his father. Mrs. Kuilan's daughter, Aryanna, has only known Mr. Kuilan as his father and will also be at a disadvantage without his presence and support, specifically since she recently became a mother herself, and Mr. Kuilan is the only male present in her daughter's life. Additionally, Mrs. Kuilan was recently diagnosed with Lupus and relies on the physical, social, and emotional support of her husband. He ensures the home is clean, assists Mrs. Kuilan in the shower, and assists with her activities of daily living when she is in need, all of which she will be missing should he be sentenced to an extended period of incarceration. Though Mrs. Kuilan is presently in the early stages of Lupus, it is an autoimmune condition that can worsen over time, impeding her ability as time goes on to remain independent. As lupus progresses, it can significantly impair an individual's ability to care for themselves and children due to physical limitations, fatigue, emotional distress, and the need for ongoing medical management. The unpredictability of the disease and the impact it has on both physical and mental health requires a comprehensive approach to caregiving, often necessitating external support to ensure their needs are met during periods of exacerbation, a role Mr. Kuilan has been serving.

Since Mr. Kuilan has been on house arrest, Mrs. Kuilan reported she has witnessed him express remorse for his actions and has engaged in a multitude of home projects to prepare the home and family for his potential absence. She additionally reported he has maintained a level of motivation and positivity that is admirable.

PHYSICAL HEALTH AND MEDICAL HISTORY

Mr. Kuilan denied a significant medical history including illness, disease, surgery, or hospitalization.

ALCOHOL AND SUBSTANCE USE HISTORY

Mr. Kuilan reported the onset of marijuana use at the age of 16 following the death of his father, smoking 5-6 joints daily until the age of 20, and progressing to 10-12 joints daily. Mr. Kuilan has never maintained a period of abstinence from marijuana. Mr. Kuilan additionally reported a history of cocaine use, beginning with sporadic use in his teens, progressing to “2-3 grams weekly” as an adult. He admitted in his 30’s to using “all day, every day, from wake up to bedtime” and reported a period of abstinence for one year. At his peak, Mr. Kuilan was inhaling 5 grams of cocaine each week. He reported when he son was approximately 4 years of age, he and his wife struggled to “see eye to eye.” He reported their relationship was strained, there was an increase in verbal disagreements, and there was a negative impact on the children,

Mr. Kuilan reported for 2 years prior to the arresting incident, he and his wife were experiencing marital issues, he left 5 months prior to being arrested and returned to reside with his grandmother, during which time he relapsed on cocaine, using up to 5 grams weekly. Mr. Kuilan reported he ceased using cocaine when he was arrested, as he wanted to be with his family, and has never used substances around his children.

Mr. Kuilan reported he completed two incarceration-based treatment programs and one outpatient treatment program while he was on parole. He was unable to recall the name of the treatment program.

MENTAL HEALTH HISTORY

Mr. Kuilan denied a history of all diagnosable mental illness, use of psychotropic medication, hospitalization, or involvement with a psychiatrist, psychologist, or social worker. He denied symptoms consistent with depression, anxiety, or other mood disorder, and denied symptoms consistent with mania, paranoia, hallucinations, or delusions. Though Mr. Kuilan denied a history of diagnosable mental illness, it is important to note the onset of his substance use and behavioral issues in school began following the death of his father, suggesting he may have been struggling with symptoms consistent with a depressive disorder. Due to the lack of presence and guidance from his mother, he was never evaluated or engaged in mental health programming.

ASSESSMENT OF CHARACTER

Mr. Kuilan is presently surrounded by positive relationships with his wife and children, who all submitted character letters on his behalf. His son, Tristan, described his father as “the best father,” someone he couldn’t imagine not having in his life. He attested to his father being there for him through all developmental milestones, and expressed his father always made sure he was “safe and taken care of.” He additionally commented on the important role he plays helping his mother, who suffers from Lupus. His stepdaughter, Aryanna, highlights the impact her father has had on her, stepping in to care for her when she was only one year of age, as a result of her biological father being absent. She expressed her father has shown her what it means to “be a protector, a provider, and a loving family man.” She commented he is a man who will do anything for his family, who makes sacrifices willingly, and supports the people he loves. She described her father as “a source of love and strength.” She additionally highlighted the negative impact of a potential period of incarceration on her, her daughter, her brother, and her mother.

His wife, Jasmine described her husband has been her “rock, support, and shoulder to lean on for over two decades” and who is a man who shows “unwavering love” to her, their children, and their granddaughter. She characterized their challenges throughout their relationship that have stood the test of time, recently solidifying their bond through marriage. She commented on his noble act of raising her daughter as his own, and described he is a good man and a loving husband and father. She highlighted that her husband serves as her caretaker, as she was diagnosed with Lupus this year and there are days she finds it difficult to get out of bed or walk. Her husband willingly steps in, helps her out of bed, helps with showering, and helps run her candle business when she is unable. She expressed since his arrest, he has reinstated his faith in God and has demonstrated significant spiritual growth. He has goals and hopes to serve as a mentor to others who are struggling and to advocate for change.

MENTAL STATUS EXAM AND CLINICAL CONCLUSION

Mr. Kuilan is a 45-year-old married, Caucasian male. He presented with various levels of concern, was polite and engaged in session and presented with appropriate affect. Speech was normal in tone, pitch and volume and appropriate to his mood, which was appropriate to his affect. No abnormal movements were noted, and psychomotor behaviors were within normal limits. His memory appeared intact, and levels of attention and concentration were within normal limits. Thought patterns and content were consistent with reality and there is no evidence of a thought disorder. He denied any past or present high-risk factors including homicidality, suicidality, or psychosis.

Mr. Kuilan’s developmental history, marked by a lack of parental support and supervision, the traumatic loss of his father during adolescence, and growing up in an environment steeped in

drugs and crime, has played a significant role in the emergence and development of a severe poly substance use disorder and possible depressive disorder. The absence of a stable, supportive family environment during formative years left Mr. Kuilan with inadequate coping mechanisms and emotional regulation skills, increasing his vulnerability to maladaptive behaviors, including in his case, poly substance abuse. The loss of his father during adolescence, a critical developmental period, compounded this vulnerability, leading to unresolved grief, emotional instability, and an impaired sense of identity. Growing up in a high-risk neighborhood exposed Mr. Kuilan to further stressors and normalized substance use and criminal activity, reinforcing maladaptive behaviors. These factors collectively contributed to the development of his substance use disorder, which, as an adult, has fueled marital discord and periods of spousal separation, increasing his susceptibility and vulnerability to relapse. Substance use, as a means of self-medication, has strained relationships, leading to trust issues, communication breakdowns, and emotional withdrawal, ultimately contributing to his criminal involvement. Addressing the complex interplay of trauma, emotional neglect, and environmental stressors is crucial in developing an effective treatment plan to support long-term recovery and family restoration.

RELEVANT RESEARCH OF CLINICAL CONTRIBUTORS

The impact of father absence and death on development of a substance use disorder

Mr. Kuilan was expressive in describing the absence of his father during his childhood, due to him frequently being incarcerated. The role of paternal involvement in child development is critical in shaping emotional, psychological, and behavioral outcomes. Father absence during childhood is a well-documented risk factor for the development of substance use disorders in adolescence and adulthood. The absence of a father figure can lead to a range of emotional and behavioral issues, including low self-esteem, emotional dysregulation, and difficulty forming

healthy attachments¹ in development, resulting in maladaptive coping strategies, including substance use. Research has shown that children who grow up without a father figure are more likely to engage in early and frequent substance use, particularly males², and lack of paternal involvement has been linked to feelings of abandonment, anger, and social isolation, which can increase the likelihood of turning to substances as a means of coping with these emotions,³ as in the case of Mr. Kuilan.

Mr. Kuilan learned his father passed away while incarcerated when he was only 16 years of age. The death of a father during adolescence is another critical event that can significantly impact the psychological and behavioral development of a male, as seen in the shift in behavior in Mr. Kuilan following his father's death. Adolescence is a developmental period characterized by identity formation and increased emotional sensitivity, making the death of a father during this stage particularly traumatic. The loss of a paternal figure during this time can lead to profound feelings of grief, loss, and confusion, which may manifest as substance abuse as adolescents attempt to manage their emotions,⁴ as seen in the history of substance use development in Mr. Kuilan. Research has found that adolescents who experienced the death of a parent were at a significantly higher risk of developing a substance use disorder compared to those who did not experience such a loss⁵. The absence of a father during this formative period can hinder the development of critical coping skills and emotional regulation, leading to maladaptive behaviors like substance use.

¹ Amato, P. R. (2000). The consequences of father absence for children's well-being: A review of the literature. *Journal of Marriage and Family*, 62(2), 327-338.

² Forehand, R., & Kotchick, B. A. (2002). Parental substance use: A review of the impact on children and adolescents. *Clinical Child and Family Psychology Review*, 5(1), 13-31.

³ Lamb, M. E. (2010). The role of the father in child development. *John Wiley & Sons*.

⁴ Miller, R. L., Carpenter, D. M., & Mathew, J. R. (2012). Substance abuse and parent-child attachment: The role of father death. *Psychology of Addictive Behaviors*, 26(2), 366-374.

⁵ Caserta, M. S., & Lund, D. A. (2003). Grief reactions and coping strategies following parental death: Implications for adolescents. *Death Studies*, 27(7), 611-634.

Negative impact of long-term marijuana use

Mr. Kuilan has admitted to smoking marijuana daily since the age of 16, with majority of use being all-day, every day. Extensive research has highlighted significant negative outcomes associated with long-term use, particularly in the domains of mental health, cognitive functioning, and social consequences. Long-term marijuana use has been consistently linked to a range of mental health issues. Studies have shown that chronic marijuana consumption is associated with an increased risk of psychiatric disorders, including depression, anxiety, and schizophrenia,⁶ which is especially pertinent in forensic settings, where individuals with mental health conditions may face exacerbated symptoms due to substance use. Chronic marijuana use has also been shown to negatively affect memory, attention, and executive functioning⁷. Studies involving adolescents who use marijuana regularly suggest that the drug can interfere with the development of critical cognitive skills, potentially leading to difficulties in academic performance and the acquisition of vocational skills,⁸ as seen in the poor academic history and intermittent work history of Mr. Kuilan. These cognitive impairments may further hinder an individual's ability to make sound legal decisions, engage in rehabilitation programs, or sustain employment, as demonstrated in Mr. Kuilan's legal involvement. Socially, chronic use often contributes to strained relationships, occupational difficulties, and legal involvement. Chronic users may exhibit behaviors that lead to conflicts with family members, peers, and employers, as seen in the marital history of Mr. Kuilan, who often experienced tension and discord, leading to multiple periods of separation. Additionally, individuals who use marijuana heavily are more likely to engage in illegal activities, such as

⁶ Hall, W., & Degenhardt, L. (2009). Adverse health effects of non-medical cannabis use. *The Lancet*, 374(9698), 1383–1391.

⁷ Meier, M. H., Caspi, A., Ambler, A., Harrington, H., Houts, R. M., Keefe, R. S. E., & Moffitt, T. E. (2012). Persistent cannabis users show neuropsychological decline from childhood to midlife. *Proceedings of the National Academy of Sciences*, 109(40), E2657–E2664.

⁸ Schreiner, A. M., & Dunn, M. E. (2012). Residual effects of cannabis use on neurocognitive performance in college students. *Journal of Clinical and Experimental Neuropsychology*, 34(4), 325–334.

driving under the influence or participating in drug trafficking⁹. Long-term marijuana use can also lead to physical health problems, including respiratory issues¹⁰ and impaired cardiovascular health¹¹.

Negative implications of long-term cocaine use

Mr. Kuilan described a longstanding issue with cocaine use. Cocaine is a powerful stimulant that affects the central nervous system and can lead to a range of health issues, including addiction, cognitive impairment, an increased risk of criminal behavior, negative psychological impacts, and impaired social functioning, as well as mental health disorders, including severe anxiety, depression, and paranoia. Studies indicate that individuals who abuse cocaine regularly often experience intense mood swings and symptoms of psychosis¹², which can significantly impair an individual's judgment and decision-making abilities. Chronic cocaine use can also lead to significant cognitive impairments, particularly in areas related to memory, attention, and executive function. Research has shown that long-term users often experience deficits in working memory, problem-solving and decision-making abilities, impulse control and the ability to regulate emotions¹³, which can manifest as difficulty in maintaining stable employment, adhering to rehabilitation programs, and making rational decisions, all evident in the psychosocial history of Mr. Kuilan, including his legal involvement, intermittent work history, and marital issues. Studies additionally show that cocaine use impairs an individual's ability to make rational decisions, and

⁹ Volkow, N. D., Baler, R. D., Compton, W. M., & Weiss, S. R. B. (2014). Adverse health effects of marijuana use. *New England Journal of Medicine*, 370(23), 2219-2227.

¹⁰ Tashkin, D. P. (2013). Effects of marijuana smoking on the lung. *Annals of the American Thoracic Society*, 10(3), 239-247.

¹¹ Thomas, G., Kloner, R. A., Rezkalla, S. H., & Bhat, S. (2014). Cardiovascular effects of marijuana. *Journal of the American College of Cardiology*, 64(7), 532-538.

¹² Grant, B. F., Stinson, F. S., Dawson, D. A., Chou, S. P., & Ruan, W. J. (2004). Co-occurrence of 12-month alcohol and drug use disorders and personality disorders in the United States: Results from the National Epidemiologic Survey on Alcohol and Related Conditions. *Archives of General Psychiatry*, 61(4), 341-348.

¹³ Morgan, P. T., Malison, R. T., & Price, L. H. (2002). Cognitive effects of cocaine use: Implications for forensic practice. *Journal of Forensic Psychiatry & Psychology*, 13(1), 18-30.

users display a myriad of behavioral changes, such as increased risk-taking and impulsivity, which can contribute to criminal behavior, including theft, assault, and drug trafficking¹⁴. Mr. Kuilan admitted that during his separation from his wife, he relapsed on cocaine, ultimately leading to the events involved in the arresting incident. Cocaine's effect on the prefrontal cortex, the region of the brain associated with higher-level decision-making, results in deficits in cognitive flexibility and the ability to foresee the consequences of actions.¹⁵

Cocaine abuse has profound social consequences, often leading to strained relationships, employment difficulties, and social isolation. Individuals with chronic cocaine use are at heightened risk for involvement in criminal activity, particularly violent crime and drug-related offenses¹⁶ and are more likely to engage in criminal behavior due to the drug's stimulating effects, which can increase aggression and impulsivity¹⁷. Mr. Kuilan experienced a relapse in cocaine corresponding to his involvement in the arresting incident. Moreover, the financial strain caused by ongoing drug use often leads individuals to commit illegal acts to fund their addiction. The long-term effects of cocaine use on decision-making can persist even after individuals have stopped using the drug. Studies have shown that individuals with a history of chronic cocaine use may continue to exhibit deficits in executive functioning, even during periods of abstinence.¹⁸ These cognitive impairments can complicate the recovery process, as individuals may struggle with planning, organizing, and making decisions that support their rehabilitation, as evidenced by Mr. Kuilan's multiple attempts at abstinence and relapses.

¹⁴ Kosten, T. R., & George, T. P. (2002). The neurobiology of cocaine dependence. *Current Psychiatry Reports*, 4(5), 391-397.

¹⁵ Volkow, N. D., Wang, G. J., & Baler, R. D. (2001). Addiction: Decreased reward sensitivity and increased expectation sensitivity conspire to overwhelm the brain's control circuit. *Cerebral Cortex*, 11(8), 758-763.

¹⁶ O'Neill, P., McKenna, C., & Tennant, C. (2002). Cocaine abuse and its effects on the criminal justice system. *International Journal of Drug Policy*, 13(1), 13-18.

¹⁷ Bolan, R. K., Ananth, J., & Dean, H. (2008). Cocaine and violence: The role of cocaine in violent behavior. *Journal of Forensic Sciences*, 53(5), 1111-1115.

¹⁸ Volkow, N. D., Wang, G. J., & Baler, R. D. (2001). Addiction: Decreased reward sensitivity and increased expectation sensitivity conspire to overwhelm the brain's control circuit. *Cerebral Cortex*, 11(8), 758-763.

Implications of spousal separation and marital stress on substance use and relapse

Mr. Kuilan expressed a long history of marital tension and discord, at times resulting in periods of separation. Spousal separation and marital stress are significant stressors that can have profound effects on an individual's mental health and behavior, as seen in the psychosocial history of Mr. Kuilan, who was engaged in and relapsed on cocaine while separated from his wife prior to the arresting incident. For individuals with a history of substance use, these relational stressors can exacerbate their struggles with addiction and increase the likelihood of relapse. Research has shown that spousal separation is a trigger for substance use and relapse, particularly for individuals in recovery from alcohol or drug addiction. The emotional distress associated with separation, such as feelings of rejection, loneliness, and grief, can prompt individuals to turn to substances as a coping mechanism¹⁹. Similarly, marital stress, characterized by ongoing conflicts, poor communication, or lack of emotional support, can significantly increase the risk of substance use and relapse, as seen in Mr. Kuilan's most recent relapse.

Chronic marital stress has been found to contribute to higher levels of psychological distress, which can influence an individual's ability to maintain sobriety²⁰. Stressors within a marriage, such as infidelity, financial difficulties, or unresolved conflicts, can create an environment in which an individual feels overwhelmed and powerless, increasing the likelihood of substance use as a maladaptive coping strategy. Mr. Kuilan and his wife have experienced periods of separation, correlating to periods of relapse and substance use, suggesting that relational difficulties can compromise an individual's ability to manage recovery effectively. Additionally, emotional dysregulation, which is common among individuals with substance use disorders, may be exacerbated by marital distress. Individuals struggling with emotional dysregulation may find

¹⁹ McCrady, B. S., & Epstein, E. E. (2009). Treating alcoholism: An integrated approach. *The Guilford Press*.

²⁰ Burke, R. S., Stacchiotti, L. M., & Litten, R. Z. (2005). Marital distress and substance abuse: A review of the literature. *Journal of Substance Abuse Treatment*, 29(3), 1-15.

it particularly difficult to manage the intense feelings associated with separation or conflict, leading them to engage in substance use as a form of emotional escape²¹. Moreover, individuals who have learned to rely on substances as a coping mechanism may be more vulnerable to relapsing when confronted with the emotional turmoil of marital stress or separation²².

SENTENCING RECOMMENDATIONS

It is with conviction that we believe the complex interplay between early paternal loss, lack of parental support, high-risk environmental factors, and substance use has created a significant barrier to Mr. Kuilan's psychological well-being and social functioning. The development of a substance use disorder in this context is not merely a result of personal choice but rather a product of his adverse childhood experiences, lack of emotional regulation skills, and the normalization of substance use in his environment. Mr. Kuilan, who has been charged with possession and distribution of drugs, has a long history of substance use and has not yet benefited from prior substance use treatment. He is the father of two children, plays an active role in his 3-year-old granddaughter's life, and is integral to the care of his wife who was recently diagnosed with Lupus, which further complicates his situation and highlights the importance of addressing both his immediate legal challenges and his long-term well-being. Given the significant history of substance abuse and the failure to engage in successful treatment in the past, a comprehensive and individualized treatment plan is essential for both his recovery and for mitigating the potential negative impacts of incarceration.

Incarceration, while sometimes necessary for immediate public safety, has shown limited effectiveness in addressing the root causes of substance use disorders and tends to exacerbate

²¹ Katz, C., & Martin, T. (2014). Emotional dysregulation and substance use. *Substance Use & Misuse*, 49(5), 538-547.

²² Cohen, S., & Lichtenstein, E. (2011). Social support and substance abuse relapse. *Psychiatric Clinics of North America*, 34(2), 443-450.

issues such as emotional dysregulation, trauma, and family disintegration. Studies consistently show that incarceration alone, without proper substance abuse treatment and mental health support, fails to address the underlying issues that contribute to recidivism. According to research, individuals who are incarcerated without receiving appropriate rehabilitative services are more likely to reoffend, particularly when they return to the same environments that fostered their criminal behavior and substance abuse. Moreover, incarceration can have a detrimental effect on familial relationships, and will negatively impact the psychological, social, and emotional development and well-being of his children.

Should Mr. Kuilan be sentenced to an extended period of incarceration, his family will suffer a decline in psychological well-being. His wife was recently diagnosed with Lupus, a chronic autoimmune disease in which the immune system mistakenly attacks healthy tissue, leading to widespread inflammation and damage to various organs, including the skin, joints, kidneys, heart, and lungs. The early stages of lupus often involve symptoms such as joint pain, fatigue, skin rashes, and fever. As the disease progresses, it can cause more serious issues like kidney damage, cardiovascular problems, lung inflammation, and neurological complications. These complications can severely impact an individual's ability to perform daily tasks, including caregiving. Though Mrs. Kuilan is presently in the early stages of Lupus, should her husband be incarcerated for an extended period, she is at risk of her disease progressing while he is not home to help care for her. He is presently integral to her care when experiencing flare ups, including helping her into bed and the shower, assisting around the home, and helping care for their 3-year-old granddaughter. As lupus progresses, fatigue becomes more profound and persistent, making it increasingly difficult for an individual to maintain a routine or handle the physical demands of caring for themselves and children. Joint pain and stiffness can impair mobility and coordination,

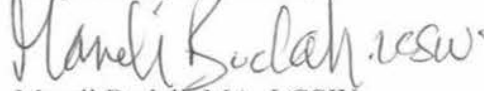
potentially limiting the ability to perform household tasks, such as cooking, cleaning, or carrying young children. In addition to physical symptoms, the emotional and mental toll of lupus can be significant. Chronic pain, fatigue, and the unpredictable nature of the disease can contribute to depression and anxiety, further impacting an individual's emotional availability and ability to engage with and care for themselves and their children and in Mrs. Kuilan's case, her granddaughter. Moreover, flare-ups can occur without warning, causing an individual to be incapacitated for periods of time, which creates additional stress and challenges in providing consistent care. Based on the above trajectory of the disease, it is essential for Mrs. Kuilan to have access to a strong support system to assist with caregiving responsibilities during flare ups and periods of severe illness, a role Mr. Kuilan has been playing. Mr. and Mrs. Kuilan are additional caretakers for their 3-year-old granddaughter, who will most benefit from the presence and support of her grandfather.

Given the complexity of Mr. Kuilan's developmental and substance use history and his integral role in caring for his wife who was recently diagnosed with Lupus, we are respectfully asking the Court United States Attorney's Office to consider a sentence that is no greater than necessary to punish and promote respect for the law, as well as foster and support rehabilitation, to reduce recidivism. We believe in addition to a period of supervision, Mr. Kuilan would benefit most from the opportunity to participate in a comprehensive substance use treatment program, which has been shown to reduce recidivism and promote long-term recovery from substance use disorders. Access to comprehensive, evidence-based treatment, including individual therapy, group counseling, and programs that address both substance use and underlying psychological issues, significantly increases the likelihood of successful rehabilitation. Mr. Kuilan would benefit from a treatment program that incorporates family therapy, trauma-informed care, and parenting

support, as they address not only the individual's substance abuse but also the broader family dynamics. In the case of Mr. Kuilan, treatment could foster healthier coping mechanisms, improve his emotional regulation, and reduce the likelihood of relapse.

It is important to emphasize that the contents of this report are not intended to minimize the seriousness of the matter. The Consulting Project would like to thank the Court and United States Attorney's Office for its review and consideration of the contents in this memorandum and is hopeful that the Court will concur with our recommendation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mandi Budah, LCSW".

Mandi Budah, MA, LCSW

Forensic Social Work Consultant

A handwritten signature in black ink, appearing to read "Reynaldo Cusicanqui".

Reynaldo Cusicanqui, BA

Forensic Mitigation Specialist

EXHIBITS 1

Character Reference Letters

December 17 2024

Honorable Judge Bloom

My name is Jasmine Kuilan, and I am the proud wife of Michael Kuilan. I am a mother, a grandmother, the owner of Pretty Flame Game Candles, an Amazon Associate, and most importantly, a devoted partner and homemaker. Michael and I have spent 25 years together, recently solidifying our bond through marriage, and I write to you today to share who my husband truly is and the vital role he plays in our lives.

Michael has been my rock, my support, and my shoulder to lean on for over two decades. Like any marriage, we experienced challenges, and during a difficult time apart, my husband made terrible mistakes—mistakes that do not define him. What defines Michael is the life we built together, the family we raised, and the unwavering love he has shown me, our children, and now, our granddaughter.

We were both just 19 when our journey together began. We grew up side by side, learning, struggling, and building a life out of love and determination. Michael did not have much support growing up. He practically raised himself, yet despite those challenges, he became a good man and a loving husband and father. He stepped up to raise my daughter as his own, and together we have two beautiful children and a granddaughter who absolutely adores her "Pop Pop."

Your Honor, this looming prison sentence has been devastating for our family. Michael lost his own father at the age of 13—his dad passed away in prison. That trauma shattered him, and he has confided in me how it shaped his desire to be a present, loving family man. For 25 years, Michael has worked tirelessly to provide for us, putting our family above all else.

This year has been particularly challenging for me. I was diagnosed with lupus, and there are days when I cannot walk or even get out of bed. My husband has been my caregiver—lifting me out of bed, helping me shower during flares, and ensuring our home runs smoothly. He also helps me run my business when I physically cannot. Without him, I fear for my health and well-being, as well as the stability of our home.

Michael's absence would devastate not just me, but our children and granddaughter. Our 18-year-old son has never known a life without his father; he needs his dad's guidance as

he transitions into adulthood. Our granddaughter adores her grandfather, and his love for her is something irreplaceable.

Since his arrest, I have seen true change in my husband. Michael is a man of few words, but his actions speak volumes. He has found a deeper connection with God, praying daily for forgiveness and for the pain his actions have caused others. This spiritual growth has been one of the most significant changes I've seen in him. He has also expressed his desire to give back, to mentor those struggling with addiction or negative lifestyles, and to advocate for change.

Your Honor, Michael had one bad year during our separation, but this does not erase the 24 years he has spent being a devoted family man. He is deeply remorseful, and I see the weight of his guilt in his demeanor. I know his heart, his potential for change, and his capacity to contribute meaningfully to society.

I humbly ask you to consider leniency and sentence my husband to the minimum time possible. Michael is not just my husband; he is the cornerstone of our family. Without him, I fear for my health, my children's emotional well-being, and the stability of our home. I will continue to stand by his side as a source of strength, guiding him toward lasting change.

Thank you for your time and consideration.

With the deepest respect,

Jasmine Kuilan

December 17, 2024

Honorable Judge

My name is Aryanna Figueroa, and I write to you with the utmost respect and humility on behalf of my father, Michael Kuilan. I am 25 years old, pursuing my bachelor's degree in Criminal Justice at Borough of Manhattan Community College and preparing to graduate so I can attend law school. My ultimate goal is to become a prosecutor, as I deeply believe in justice.

Michael Kuilan stepped up and became my father when I was just one year old, filling the void left by my biological father who was absent. He is the only dad I have ever known, and for the past 25 years, he has consistently shown me what it means to be a protector, a provider, and a loving family man. My father did not have to take on this role, but he did so willingly and with love, which speaks volumes about his character.

Growing up, my dad made countless sacrifices to care for our family. I vividly remember times when we had little, but he worked tirelessly to provide. I will never forget seeing him carry a leather sofa on his back just so my mom and I could have something nice in our home. That's who my father is—someone who would do anything for his family, even when it meant working odd jobs like cleaning, exterminating, or shifts at McDonald's. He has never been afraid of hard work, no matter how humble, if it meant supporting the people he loves.

My dad is not perfect; he is human, and he has made mistakes. But I can say with full confidence that he is not a bad man. To this day, my friends and peers remember him as the man they could turn to for advice and guidance. Many have called him "the dad they never had." His absence would not only devastate me, my mother, and my little brother but also his 4-year-old granddaughter, Alita, who adores her "Pop Pop" with all her heart.

My father has been a constant source of love and strength in our lives. He combed my hair for school, picked me up every day, took me on school trips, and never missed a single modeling audition. As I chase my dreams of becoming a prosecutor, my dad remains my

biggest supporter—helping me through my mock trials, encouraging me through Zoom classes, and reminding me to always aim higher.

Since his arrest, I have witnessed significant changes in my father. He has found a deep connection to God and prays for forgiveness every day. He has shared with me his desire to use his experience to advocate against drug use and help others avoid the mistakes he has made. My father is remorseful and deeply understands the harm his actions may have caused—not only to our family but to others.

Your Honor, my father is aging, and I worry for his health. A lengthy prison sentence would rob us of precious time together and deprive his granddaughter of the role model and protector she loves so dearly. My mother, who battles lupus, depends on his care, and his absence would leave a void in all of our lives that cannot be filled.

I believe in our criminal justice system, and as someone who aspires to be part of it, I understand the importance of accountability. However, I humbly ask for mercy and leniency in my father's sentencing. My father is not defined by his mistakes but by the love, support, and sacrifices he has given to his family and his community. I know in my heart that he has learned from this experience and will continue to make positive contributions.

Thank you for taking the time to consider this letter. I pray you will find it in your heart to grant my father the minimum sentence so he can continue to be the father, husband, and grandfather that we so deeply need.

With the deepest respect and sincerity,

Aryanna Figueroa

December 17 2024

Honorable judge

My name is Tristan Kuilan, and I am 18 years old. I am writing to you about my dad, Michael Kuilan. He is the best dad I could ever ask for, and I can't imagine my life without him.

My dad has been there for me every step of the way. He taught me how to play basketball, how to shave, and how to be a man. He's always been by my side, no matter what. When I was little, he picked me up from school every single day, even if it was pouring rain or freezing cold. He made sure I was always safe and taken care of.

Even when we didn't have much, my dad worked hard to provide for us. I remember when he was working long shifts at McDonald's, but he never let me or my family feel like we were missing out. He always found a way to make things work and to keep us happy.

Your Honor, my mom has lupus, and my dad takes care of her every day. When she can't walk or get out of bed, he's there to help her. I don't know what we would do without him. I worry about my mom's health if he's not here. I want to help, but I'm scared I won't be able to do everything my dad does. I'm afraid for my mom and my sister and what might happen to them without him around.

My dad has always put his family first, and I know he regrets what he's done. I still need him in my life to guide me and to be the father he's always been. Please have mercy on him, Your Honor, because he means everything to our family.

Thank you for taking the time to read my letter.

Sincerely,

Tristan Kuilan